

REMARKS

Interview Summary

Applicant acknowledges the discussion of *Fitzsimmons* and claim 1 with the Examiner in the telephone interview of November 8, 2005.

As best understood, the Examiner considered the “video source ID” in *Fitzsimmons* paragraph 56 to amount to “data concerning a selected object,” with the “selected object” being a video program being shown in an exhibit area 432.

This “video source ID” is apparently provided to the exhibit server 444, which then relays it to the handheld device 300 so that the audio soundtrack stored on the portable device 300 can be synchronized with whatever video is being shown in the exhibit area 432. The Examiner considered this to correspond to claim 1’s limitation of transmitting “the data to a particular portable device.”

Applicant proposed to amend the claim, with support from at least page 7, lines 11-13 and FIG. 1 of the specification, to recite transmission of data to the portable device using the wireless communication unit. The Examiner agreed that such an amendment would avoid the section 102 rejection based on *Fitzsimmons* and that there was adequate support for such an amendment.

Claim Amendments

Applicant amends claims 1 and 11 consistently with the claim amendment discussed in the interview. No such amendment is needed for claim 15.

Applicant includes additional amendments to enhance clarity and to more distinctly point out what Applicant regards as the invention.

Section 102 rejection of claim 1

In response to the section 102 rejection of claim 1, Applicant amends the claim consistent with reasons discussed in the interview summary. Accordingly, claim 1 and its progeny are now in condition for allowance.

Section 102 rejection of claim 3

Claim 3 recites the additional limitation that the portable device include an internet connection. According to the Examiner, this internet connection is identified as reference numeral **570** in FIG. 5.

It is quite plain from inspection of FIG. 5 and corresponding paragraphs 46 and 48 that reference numeral **570** is not part of the portable device **300** at all. In fact, it is a server that is part of the network **500**. There is no indication that the portable device **300** itself has an internet connection.

Accordingly, *Fitzsimmons* fails to disclose claim 3's limitation of a *portable device* that includes an internet connection.

Section 102 rejection of claims 4-10 and 17-18

The Examiner has summarily rejected claims 4-10 and 17-18 as allegedly reciting "similar limitations as claims 1, 11, 13, and 15."

Claims 4-10 and 17-18 include the limitations of their respective parent claims and are therefore allowable for reasons discussed in connection with those claims. However, they also include limitations above and beyond those recited in the parent claims. These additional limitations appear to have been ignored.

Applicant submits that this summary rejection of the claims is inconsistent with Rule 1.104(b), which requires that the Examiner's action be complete as to all matters. Applicant further submits that this summary rejection is inconsistent with Rule 1.104(c)(2), which requires that "when a reference is complex...the particular part relied on must be designated as nearly as practicable" and that "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."

Section 102 rejection of claim 11

The Examiner correctly observes that in *Fitzsimmons*, the portable device **300** uses its IR receiver to obtain information identifying an exhibit.

The question then is what does the portable device 300 *do* with this information? In particular, does the portable device 300 somehow transfer this information to the A/V server 452?

Paragraph 42 suggests that no such transfer takes place. In fact, the portable device 300 uses the identifier to find information *on its own hard disk*. It does not send the information to the A/V server 452.

It is apparent, therefore, that *Fitzsimmons* fails to disclose claim 11's limitation of transferring an object identity code to the central server. Since the remaining steps depend on this step, *Fitzsimmons* fails to disclose those steps as well.

Claim 12, which depends on claim 11, is allowable for at least the reasons discussed above in connection with claim 11.

Section 102 rejection of claims 13 and 15

Claims 13 and 15 both recite transmitting an object identification code to a central server.

The Examiner has identified the claimed "central server" with the A/V server 452. It does not appear that the A/V server 452 receives any sort of object identification code. Hence, the limitations of claim 13 are not met.

Moreover, to the extent that the video source ID disclosed in *Fitzsimmons*, paragraph 56 is considered to be "information concerning the object," that information is never displayed. Instead, it is used to synchronize video with audio. Accordingly *Fitzsimmons* fails to disclose the "display" steps recited in both claims 13 and claim 15. Claims 13 and 15, and their respective progeny, are therefore allowable over the cited art.

Summary

The amendments made herein are not an admission that Applicant considers the claims unpatentable over the cited art. Applicant amends the claims solely to expedite prosecution of this application.

Applicant : Mathias Althin et al.
Serial No. : 10/010,657
Filed : December 6, 2001
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Now pending are claims 1-18, of which claims 1, 11, 13, and 15 are independent. Enclosed is a fee for a request for continued examination, is a petition for extension of time, and an extension fee. No additional fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050, referencing attorney docket "12587-012001."

Respectfully submitted,

Date: 11-17-2005



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